1931.

Department of L

OFFICE B. of Rev.

STATION Madras

BP No. 1451 MIS

Dated 6 5 31

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B6398/30

(SUBJECT.)

Encroachment Land (S. Kanara)
Udipi Tk – Mudalakatte Vge – S.No 6/1A1A
Eviction – Vaaman Kamthi Shridhara Kamath
~~[illegible]~~ – Petition – orders passed

R.P 149
C.K 1290

Katapadi, B.t.398
2nd. December 1930.

6-DEC 1930

To

The Hon'ble the Board of Révenue
Land Revenue and Settlement,
MADRAS.

Encroachment appeal No. 1930.

Vaman Kamthi son of Manjunath Kamthi of Katapadi, Udipi Taluk, South Kanara District. } Appellant.

Auth^d stamped copies of certn. orders of R.D.O. & Taln. of
Reply due: 15-2-31
J.J.U 15.1.31
13.1.31
13.1.31.

Appellant above named begs to prefer this appeal to the Hon'ble Board against the order of the Collector of South Kanara, D.Dis.No.8625/30 dated 11-10-30 dismissing his appeal against the order of eviction passed by the Revenue Divisional Officer, Coondapoor in respect of the encroachment in S.NO. 6/1A 1A of Mudabettu village of Udipi Taluk.

69 of

2. The so-called encroachment consists of a building which together with its upkeep for the last over 25 years cost the appellant not less than Rs.100.

Pdl 15/1

3. The plot in question measures only about a cent and though it was within the margin of the Taluk Board road, the Taluk Board seeing the unobjectionable nature of the occupation leased it out to the appellant who has thus been enjoying the plot by paying rent to the Taluk Board since the last 9 years.

4. Owing to some Administrative order under which only poramboke roads were vested in the Local Boards while assessed wastes continued to be under the control of the Revenue Department, the appellant's plot which is in assessed waste happenned to be transferred to the Revenue Department which accordingly let the lease of the Taluk Board terminated by the Board and instituted encroachment proceedings against the ~~appel~~ appellant and finally passed the order of eviction referred to above.

5. The appellant submits that the action of the Revenue Department in applying the L.E.Act to a long standing occupation was most unjust and arbitrary in as much it was leased out, whether rightly or wrongly, by the Taluk Board and th

occupation which cost the appellant over Rs. 100 was permitted by the Taluk Board which considered it to be quite unobjectionable.

6. The appellant submits that he is a very poor man eking his miserable livelihood solely by the petty coffee hotel located in the plot and but for the strange administrative order of transfer of right of road margins classed as assessed wastes from Local Boards to the Revenue Department, the appellant would have continued to hold the plot on lease from the Taluk Board.

7. The appellant submits that he does not claim any proprietary right over the plot but that all that he wants is that he should be allowed to continue in the temporary occupation of the plot by obtaining from him the assessment or rent to be payable on it and the appellant submits that there can be no objection to do this in respect of this long standing occupation at least as a matter of equity.

8. The appellant therefore prays that the Hon'ble the Board may be pleased to call for the connected records and pass favourable orders as prayed for above and also to direct the local officers to hold the order of eviction in abeyance till the matter is decided by the Hon'ble Board.

9. Appellant has applied for the copies of the eviction notice under Section 6 of the L.E.Act and also the copy of Collector's order D.Dis.No.8625/30 dated 11-10-30 and will produce them soon after receipt.. As in the meantime there is the danger of the eviction being carried out, he was obliged to file this appeal expeditiously so that the Hon'ble Board might be pleased to pass the interim stay order.

Encroachment Land. S.Kanara
Udupi tk - Katapadi vill: -
Eviction - Vaman Kamthi -
Petition

AS (Lr)

B 6398/30 - pp 1-3 y
Q

Ref no B 6398/30 - 1. of 13.12.30
The petitioner should submit before 11-1-31 (additional court fee labels of the value of annas twelve only and authenticated and stamped copies of the ~~order~~ eviction notice and the Collr's order ~~before 11-1-31~~, failing which the petition will be liable to rejection. His request to stay the eviction proceedings will be considered only after he produces the copies referred to above

p2f

S.K. 10/12/30
11.12.30
12-12-30
S
A.W. 13.12.30.

To
The Petitioner (Vaman Kamthi
S/o Manjunath Kamthi,
Kadapadi vill,
Udupi tk, S.Kanara

Cf Rs. 4-0 recd

B256

INDIA COURT FEE INDIA
TWELVE ANNAS

To

The Hon'ble the Board of Revenue
Land Revenue and Settlement,
Madras.

BOARD OF REVENUE
12 JAN 1931
LAND REVENUE AND SETTLEMENT

With reference to Board's Refce. B. No. 6398/30-1 dated 13th December 1930, I beg to submit herewith the court fee label of 12 annas and also duly stamped certified copy ~~of the eviction notice and~~ of the Collector's order appealed against.

2. I got the certified copy only now and hence the delay in submitting them. The delay may be excused.

Mangalore,
January 1931

3. Further I beg to state that my petition dated 5.12.30 addressed to Tq. office and to the Collector's office for obtaining the copy of the eviction order has been rejected by them that they have no authority to grant it.

So now, I have applied to the Divl officer for the Copy of the eviction order, the same will be submitted soon.

dated 7. 1. 31.

AS (Xia?)

Filed. Copy of ~~the eviction notice~~ may be awaited. Time may be

1. 2. 31.

A3 NMENT OF MADRAS ANNAS Y STAMP

INDIA COURT FEE INDIA
½ R
S V Rama Rao
7.1.31
[illegible] Rama Rao
EIGHT ANNAS

D. Dis. 8625/30

Proceedings of the Collector of South Kanara
Dated 11th October 1930
G. W. Wells Esquire, M.A. I.C.S.

Encroachment – Land – Udipi Taluk – Mudabettu village – S. No 6/1A1A.
Eviction – Appeals – Dismissed.

Appeal petition of Sridhar Kamthi S/o Sesha Kamthi of Katpadi dated 8.8.30.

Appeal petition of Venkatesha Kamthi S/o Sesha Kamthi of Katpadi dated 8.8.30.

Appeal petition of Vaman Kamthi S/o Manjunath Kamthi of Katpadi dated 21.8.30.

Coondapoor Sub Collector's N. Dis 5610/30 dated 26.9.30.

The eviction order has been properly passed. The encroachments are objectionable and must be removed. The appeals are dismissed.

Signed/ H. Sankar Rao
11.10.30
For Collector

115

8774
W. B. Rao
1-12-30

[illegible] 447/30 6-12-30

[illegible] —

[illegible] 6-12-30

[illegible] 23-12-30

[illegible] 5-1-31

Vammana
Manjunath Kamthy.

Copied by [illegible] Compared
23-12-30

Errors &c nil
(True Copy)

Dy Collector

DEPUTY COLLECTOR OF SOUTH CANARA.

RP 108
CX 3 R - 11
mels
B315

18 JAN 1931

To

The Hon'ble the Board of Revnue,
Land Revenue and Settlement,
M A D R A S.

(1) Shridhara Kamthi and (2) Venkatesh Kamthi, sons ~~Shesha~~ Kamthi, residing at Katapadi, Udipi Taluk, South Kanara District. **Appellants.**

Appellants beg humbly to approach the Hon'ble Board with this appeal against the order of the Collector of South Kanara D. Dis. No 8625/30 dated 11·10·30 for the following among other reasons.

2. The order in question relates to the order of eviction passed by the Sub Collector, Coondapoor, in respect of the plots S. Nos. 6/ 1A 1A (portions) of the Mudabettu Village built upon by the Appellants by constructing sheds for --- storing the stock of salt bags.

3. The sites of these sheds are held by the appellants on lease granted by the Taluk Board, Udipi, for the last 8 years and this itself is an ample proof that the Local Board of Udipi does not require the sites for any of the purposes, connected with their road.

4. The encroachment proofs in the case have been started by the Revenue Departmentas the plot happens to be registered as assessed waste Dry Land which the Local Board has no control and as it is within the control of the Revenue ---- Department.

5. The appellants submit that though the plot S.No 6/1A1A falls within the road margin, the L.F.Authorities had already signified their consent to its assignment on the ground that the plot was not required for road purposes and this fact will be borne out by the records of D.P.No 43 Spl of 1326 in which

portions of the plots were originally assigned to the --- houseless poor but subsequently cancelled in appeal filed by the appellants' predecessor-in-title and the plot ---- ordered to be assigned to the adjoining holders including the appellants' predecessor-in-~~title~~.interest.

6. But for the fact that the appellants' predecessor-in-interest failed to apply for the assignment, the plots would have been assigned long ago and this fact will be evident from the records of the special Darkhast case referred to above, copies connected with which have already been filed by the appellants before the Collector.

7. The appellants submit that the constructions of the sheds and their annual upkeep have cost them over Rs. 120/- and the appellants will be hard hit if eviction is carried out especially when there is no harm to any one by their retention as they are.

8. The appellants submit that by their occupation of the sites for several years, they have become the Shivaijama holders and the Hon'ble Board with the approval of the Government has already passed orders that such Shivaijama occupations must be respected and assigned.

9. The appellants submit that a local inspection of the land by any responsible Officer will convince that Officer that this not a case calling for eviction as there is no public representation objecting to the Shivaijama occupation and the Local Board is stopped from raising any such objection on account of the previous unconditional surrender of its rights as referred to above.

10. The appellants had approached the Collector with a review petition praying for a reconsideration of his orders rejecting the appellants' appeal to him but the Collector was pleased to direct him to approach the Hon'ble Board on the ground that he is unable to review his own order.

Hence it is that the appellants have now approached the Hon'ble Board.

11. The appellants therefore pray that the Hon'ble Board may be pleased to call for the connected records including the previous Durkhast records and to cancel the order of eviction and direct the retention of the sheds as they are.

12. The appellants also pray that the order of eviction may be stayed till the final disposal of this appeal.

For which act of kindness and justice, appellants will ever pray.

No 588 / 15-11-30 Mr R Achar M Akhi[illegible]

GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

D. Dis 8625-30.

Proceedings of the Collector of South Kanara

Dated 11th October 1930.

16 JAN 31

G. W. Wells Esquire, I.C.S

INDIA COURT FEE INDIA 2R

Encroachment – Land – Udipi Taluk – Mudabettu Village – S. No. 6/1A1A – Eviction – Appeals – Dismissed.

Appeal petition of Sridhar Kamthi S/o Shesha Kamthi of Katpadi dated 8.8.30 ✓

Appeal petition of Venkatesha Kamthi S/o Sesha Kamthi of Katpadi dated 8.8.30.

Appeal petition of Vaman Kamthi S/o Manjunath Kamthi of Katpadi dated 21.8.30.

Coondapoor Sub Collector's N. Dis 5610/30 dated 26.9.30

The eviction order has been properly passed. The encroachments are objectionable and must be removed. The appeals are dismissed.

(Signed) H. Sankar Rao
11.10.30
For Collector

~~101~~

115

Application No. 463/30 for copy received : 15-12-30

Stamp papers called for : —

Stamp papers produced : 15-12-30

Copy ready : 23-12-30

Copy delivered or sent by post to K. Shridhara Kamthi 26/12/30

Compd by [illegible] 23.12.30

Errors &c. one only (True copy)

COLLECTOR OF SOUTH CANARA DEC

Dy Collector

No 587. 15/1/30 [illegible] Achar [illegible]

GOVERNMENT OF MADRAS
THREE ANNAS
COPY STAMP

INDIA COURT FEE INDIA

E. C. No. 207/39.

1905ನೇ ಇಸವಿಯ 3ನೇ [illegible] 6ನೇ ಪ್ರಕರಣದ ಪ್ರಕಾರ [illegible]

ಸೂಚನೆ.

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[illegible]

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[illegible]	6 / 1A1A	[illegible] ([illegible])	..	23	.	1	[illegible] [illegible]

Take notice also that the Revenue Inspector of Kaup

139 firka is hereby authorised to carry out the eviction

48 1

No 586 / 15-12-30 M R Achar 2 M K Kamath

GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS
As 3

and to take possession of and retain in proper custody anything on the land which is liable to forfeiture pending the Collector's order as to its disposal.

(Signed) V. S. Arunachalam
8.6.30
Sub Collector

35 Total words = 174 Errors &c one only

Copied by M Comp'd by (True Copy on two sheets)
23.12.30

Application No. 463/30 for copy received: 15-12-30

Stamp papers called for: —

Stamp papers produced: 15-12-30

Copy ready: 23-12-30

Copy delivered or sent by post to Sridhara Kamthi: 26/12/30

Dy Collector

COLLECTOR OF SOUTH CANARA DT

Subject.— 23/23

B. P. XXII-A-19—39,500 22-4 30 (8)

FOR MEMBER

Encroachment. Land. (S. Kanara) Udipi tk. Mudabettu vill: - S. no 61/1A/1A Eviction Vaman Kamthi and Shridhara Kamthi & brother Petitions

READ AGAIN B. P. No. ________, dated ________ 193

" " " ________, " ________ 193

today

READ ALSO :— Collr's D. Dis. 8625/30. d. 11-10-30. Q to Comm. only.

3rd Register No. ____, From the B 6398/30, - No. ____, dated pp 1-3 f. 193

" " ____, " " B 315/31, " ____, " pp 11-15 f. 193

Q to petrs & Collr.

" " ____, " " ________, " ____, " ________ 193 .

RESOLUTION.

No. B 6398/30-2, dated 20-1-1931

The Collr. is requested to stay the eviction proceedings until the Board passes orders on the petitions read above.

2/ The petitioners should submit before 20.2.31 authenticated and stamped copies of the orders of the Revenue Division Officer and the Tahsildar, if any, in the matter, failing which the petition will be liable to rejection

20-1-31

15.1.31

19-1-31

To Despd. 21-1-'31

The Collr. of S. Kanara (Para 1 only)

The Petitioner (Shridhara Kamthi S/o Shesha Kamthi, Katapadi village, Udipi tk., S. Kanara Dt.) (paras 1 & 2).

The Petitioner (Vaman Kamthi S/o Ranganath Kamthi, Katapadi village, Udipi tk., S. Kanara Dt.) (Para 1 only)

RP65
~~25~~ 25
C.H. sas. ends

B 763
25

To.

The Hon'ble. the Board of Revenue.
Land Revenue & Settlement
Madras.

BOARD OF REVENUE
-5 FEB 1931
LAND REVENUE & SETTLEMENT

Petition of K. Vaman Kamath Son of Manjunath Kamath Katapadi S. Kanara Dated 31.1.31.

With Reference to Board's Ref B 6398-30; I beg to ~~state~~ submit here with duly stamped certified Copy of the eviction notice

p19

pp27-29 f

AS (LR)

Filed. Reply notice from the petitioner of the 2nd petition to para 2 of the Bd's Ref at p23 f may be awaited

7.2.31

9.2.31

10.2.31.

(2) I got the Certified Copy only now and hence the delay in submitting it. The delay may be excused.

Your Honour's most obedient

(3) Further I beg to state that I have not received ~~that~~ any order from the Tahsildar or ~~From~~ the Divisional officer, the only eviction order notice received from the Divisional officer the copy of which is enclosed,

pp27-29 f

27

INDIA COURT FEE INDIA

½ R

[illegible]
21-1-31

EIGHT ANNAS

[GOVERNM]ENT OF MADRAS

COPY STAMP

A3 ANNAS

C. C. No 207/39.

1905 [illegible] 3 [illegible] (1) [illegible] (2) [illegible] (3) [illegible] (4) [illegible] (5) [illegible] ([illegible]).

[illegible] 1905 [illegible] 3 [illegible] 3 [illegible]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]
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[illegible]	6 / TA1A	[illegible]	.	23	.	1	[illegible]
					.	1	[illegible]

Take notice also that the Revenue Inspector of Kaup firka is hereby authorised to carry out the eviction and to tak

28 .34

THREE GOVERNMENT OF MADRAS COPY STAMP ANNAS

A3 A3 A3 A3

possession of and retain in proper custody anything on the land which is liable to forfeiture pending the Collector's order as to its disposal.

(Sd.) N. S. Arunachalam
8. 6. 30
Sub Collector.

[illegible] 8. 7. 30 [illegible]

[illegible] 8. 7. 30 [illegible]

[illegible]

[illegible] 16. 7. 30 [illegible]

[illegible] 16-7. 30.

(True Copy on)
(two Sheets)
words 248

Errors etc nil.

83

[illegible] 918/31 [illegible] 5. 12. 31
by Vaman kanthi

[illegible] 27. 1. 31

[illegible] 29-1-31.

[illegible] 29-1-31

[illegible] copied by [illegible] Compd by [illegible] 28. 1. 31

[illegible]
Hd Acct & Treasurer

12100
30

30

7000.-

17.1-21

B.S. Rao

From

RP175.

Katpadi Shridhara Kamath.
[illegible] ~~Katpadi~~

B983

To

31

The Board of Revenue, Land
Revenue and Settlement.
Madras.

BOARD OF REVENUE
16 FEB 1931
LAND REVENUE AND SETTLEMENT

Sir,

with reference to your order B. No 6398/30
p23f dated 20th Jan 1931, I have enclosed herewith a certified copy of the Proceedings of the Tahsildar of Udipi Taluk in D.R.C.
p37f No $\frac{43}{8f\,t}$/1326. and a copy of the Proceedings of the Revenue Divisional Officer of Kundapoor Division dated 20.11.1917.
Hp33-35f

I remain
Sir
Your most obedient servant,

FOR COPIES ONLY

INDIA COURT FEE INDIA ½R EIGHT ANNAS

INDIA COURT FEE INDIA ½R EIGHT ANNAS

K. V. Kamath 13. 2. 31

Proceedings of the Revenue Divisional Officer of Coondapoor Division, dated 20-11. 1917.

Present. R. T. B. L. Guppy Esq. I.C.S.

Read Revenue Appeal Nos 183 & 242/17 presented by (1) Katpadi Keshava Naika of Katpadi and (2) Lingappa Ballal of Mudabettu against the order of the Tahsildar of Udipi in D.R. Case No 43/Spl 26 assigning S. Nos 6-1A1B of Mudabettu to the respondents.

Read the order appealed against, the Udipi Tahsildar's report N. Dis C. No 2013/Sup 17 dated 31. 8. 17 and N. Dis C. No 2432 Sup dated 3. 10. 17 submitting remarks on the appeal petition and the records of the Case.

Heard M.R.Ry M. Narayana Kamath, vakil for the appellant, Keshwa Nallia, M.R.Ry A. Lakshminarayana Rau vakil for the appellant Lingappa Ballal and M.R.Ry K. Narayana Shenoi vakil for the respondent Laxmana Pai.

Order — Dis N. 1339 D/Rev 07.

I do not agree with the creation of one anna pattas to the annoyance of adjoining holders. I was disinclined to interfere

AP 1st Sheet words 170

2,4

9361

[illegible] 22-11-17

FOR COPIES ONLY

INDIA TWO ANNAS

but now documents have come to light which show that respondent is not a houseless man entitled to get land under colour of the special rules. Respondent has mulgeni land 6 Ac. 39 c. of Nanja, S. No. $\frac{1}{6}$, $\frac{1}{13}$, of Mudabettu. Further on darkhast he has taken up in Yennugudde S. No. $\frac{61}{B}$ (see index and eyesketch dated 29. 11. 16 by Shanbhag of Yennugudde). The Tahsildars order therefore sails under false ~~cls~~ colours and is cancelled. Persons having claims may darkhast for the land. Parties told.

(Sd) R. F. B. L. Guppy
20. 11. 17
Sub Collector.

/True Copy on two Sheets/
Second & the last Sheet

Application No. 606 for copy received from Laxman Pai } on 27. 11. 17
Stamp papers called for " — Do
Do. produced " Do
Copy ready " 8. 12. 17
Do. delivered or sent by post to } " 11. 12. 17

By Order
Esrostone

P Mahabub
Head Clerk

Copied by [illegible]
Words 273. Compd by [illegible] Ex

(97

2/6

9360
సి.ఆ.(ఇ) [illegible] తేదీ 22-11-17

FOR COPIES ONLY

INDIA COURTFEE INDIA
1/2 R.
[illegible]
17 [illegible] 30
EIGHT ANNAS

INDIA COURTFEE INDIA
1/2 R.
K. S. Kamath
[illegible]
13-2-31
EIGHT ANNAS

THOMAS DE LA RUE AND COMPANY LIMITED.

Proceedings of the Tahsildar of Udipi Taluk in D. R. C. No. $\frac{43}{Spl}$/1326.

Order

Plot S. No. $\frac{6}{1A1B}$ of Mudubettu village is assigned to Lakshmana Pai, at the assignment rate of assessment with effect from the current fasli.

13. 5. 17. (Sd) B. Krishnachari Tahsildar.

$\frac{565}{17}$ from Lakshmana Pai Ag:

App — = 25. 6. 17

[illegible] " Do

[illegible] " Do

Copy " 6. 7. 17

Copy [illegible] " 12. 7. 17

True Copy of one sheet

words 52
errors nil

Head asst & Ex
Exd by M.

Copied by: M

D. notice served

appeal time expires on

38

1893

[illegible] 22-6-1

39

Subject.— Encroachment Land (S. Kanara) - Udipi tk. - Mudabettu vil: - S no 6/1A 1A Eviction. Vaman Kamthi & Shri Thana Kamthi - Petns

R. F. XXII-A-19—89,600—22-4-80 (8)

FOR MEMBER

READ AGAIN B. P. No. ____________, dated ______________________ 193

" " " ____________ , " ______________________ 193

READ ALSO :—

Register No. ______, From the B6398/30-, No. 1-3 f, dated ______ 193

" " ______, " " B315/31, " 11-15 f, " ______ 193

Q

" " ______, " " ______________, " ______, " ______ 193

RESOLUTION. No. B6398/30-3 dated 25. 2. 1931.

Forwarded to the Collr. of S. Kanara for resubmission with the connected records and with remarks on any allegations in the petitions which have not been clearly dealt with in the records

25-2-31.

S.K. 24.2.31

24.2.31

The Collr. of S. Kanara with 2 petns & encls. to be retd. with reply

DESPATCHED 28/2

RP 132 41/-

B 1981

D.Dis.No.2308-31.

South Kanara Collector's Office,
Mangalore, 7th April 1931.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

13 APR 1931

The Secretary to the Board,
Land Revenue & Settlement,
Madras.

Sir,

Encroachment - land - (South Kanara) - Udipi Taluk Mudabettu village - S.No.6/1A1A - Eviction - Vaman Kamthi and Shridhara Kamthi and another - petitions - Report submitted.

****

P.39 cf Board's Reference No.B-6398-30, dated 25-2-1931.

****

pp1-3 & 11-15 cf I resubmit herewith the petitions of Vaman Kamthi and Shridhara Kamthi and another together with their enclosures received with the Board's Reference quoted above.

2. The plots concerned in these two petitions are Nos.1,2 & 3 marked in red ink in the eyesketch at page 5 of p 5 of (X) the records of E.C.207/1339. They form portions of S.No. 6/1A1A of Mudabettu village registered as Assessed Waste and lie on the road margin of the Katpadi Shirva road. The encroachments measure one cent each. The petitioner Venkatesh Kamthi's encroachment-(No.1 in the eyesketch) consists of a thatched shed about 7 years old. It is used for storing salt bags. Shridhara Kamthi's encroachment (No.3 in the eyesketch) contains a thatched shed about 10 years old, in which also salt bags are stored. The petitioner Vaman Kamthi's encroachment (No.2 in the eyesketch) contains a shed, which has stone walls and a thatched roof. It is used as a coffee hotel and was erected about 8 years ago. Encroachment No.1 is 26 links from the centre of the road, No.2 is 25 links from the road centre and No.3 lies behind No.2.

3. All the encroachments were originally leased out by

the Taluk Board to the respective encroachers and rents collected from them till 31st March 1929. As the land containing these encroachments formed part of the assessed waste over which the Taluk Board had no control, the President, Taluk Board desired the removal of the encroachments by the Revenue Department. The Tahsildar, therefore, instituted encroachment proceedings. When notices under Section 6 of the Land Encroachment Act were issued, each of the petitioners preferred an appeal to me and I dismissed their appeals in my Proceedings D.Dis.No.8625/30, as I considered the encroachments objectionable. P.9 of (X) P.17 of (V)

4. As regards the contentions of the petitioners Shridhara Kamthi and Venkatesh Kamthi in paras 5 and 6 of their petition, the plot referred to by them is not identical with the plots now encroached upon. The plot which formed the subject of D.R.43/Special of 1326 is S.No.6/1A1B, which lies further to the west of the encroachment plot No.1. The Sub Collector's appeal order in D.Dis.No.1339-Rev.17. dated 20th November 1917, which stands filed in the records of D.R.No. 43/Special/1326 did not recognise any preferential claim of the appellants in that case. The order is merely a general one that persons having claims may darkhast for the land. It is futile for the petitioners to base their claim on this order. The petitioners have also rather exaggerated the value of the improvements. The encroachments Nos.1,2,& 3 are estimated to cost about Rs.20, 30 and 7 respectively. PP.11 & 13 of P.6 of (P) quoted at P.59(X) P.10 of (P)

5. The structures are temporary and the cost trivial. It is not advisable to allow these structures to stand as the parties are likely to convert them into substantial buildings at any time and urge their claims to the plots on the plea of heavy expenditure incurred by them. The encroachments, lying, as they do, on the road margin of a public road, are prima facie objectionable and it is better to remove them now when they are of a temporary nature.

6. The records noted in the margin are enclosed.

(1) Huzur D.Dis.No.8625-30. (V)
(2) Taluk records of E.C.No.207/39. (X)
(3) Do. D.R.43/Special/1326. (P)

Your obedient servant,

9/4/31

For Collector.

9.4.31

Subject.— R. F. XXII-A-19—99,500 22-4-30 (8)

FOR MEMBER

Encroachment - Land (S Kanara)

Udipi Tk - Indabettu Vge -

S No 6/1A1A - Eviction - Vaman Kamath, Shridhara Kamathi & another - Petitions - Orders passed

READ AGAIN B. P. No. ________, dated ________ 193

" " " ________, " ________ 193

READ ALSO :—

pet. from Vaman Kamath, S.K. p. 1 cf / p. 7 cf / p. 11 cf B. 6398/30 / B 256/31. / B. 315/31 } R

Register No. ____, From the ________, No. ____, dated ________ 193

p. 23 cf Bd Refer B6398-30-2 d 20-1-31 } R

" " ____, " p. 39 cf. Bd Refer B 6398-30-3 d 25-2-31, " ____, " ____ 193

p. 41 cf B1981/31 R

" " ____, " ________, " ____, " ____ 193

RESOLUTION. (Mis) No. 1451, dated 6-5-1931

The petitioners have according to the Collector's report 'encroached' on an assessed waste. The Board does not see how a ryot can do ~~that~~ so. If the place is required for the road, it (or the necessary part of it) should have been transferred to poramboke if it is not, there was no reason at all to try to turn ~~this~~ them out.

The encroachers

(It is also seen that

6/5/31

The plots in question lie no nearer the road than five other plots that are held on patta. ~~In these~~ In these circumstances the Board does not see any reason for the order of eviction.

2. The petitioners are referred to the Collector of S. Kanara for orders on their petitions to the Board

6-5-31

BA
359/31

C.D.
pl. copy the list at the bottom of p 42 of rec and

To the Collr of S. Kanara with recent ~~all~~ par list recd

To the petitioners (Mr. Ry. Vaman Kamthi son of Manjunath Kamth, Katapadi vge, Udipi Tk, South Kanara dt)
petitioners (Messrs Shridara Kamthi & Venkatesh Kamthi sons of Shesha Kamthi, Katapadi vge, Udipi Tk, S. Kanara dt)

Para 2 only

Desp
Please put up the [illegible] [illegible]

Encroachment. Land. (S. Kanara).
Udipi Tk. Undaletta [illegible] -
S. No 6/1 A 1A. Eviction. Vaman
Kamthi and Shridhar Kamthi Sanker.
Petitions

B 6398/30 · pp 1-34
B 315/31 - pp 11-15 f

To As.

The two petitions noted above have been linked together, as the Collr. has passed a single order in both cases. The petitioners request that the order of eviction may be stayed. In respect of the first petn. the petr. was informed that his to stay the eviction proceedings would be considered only after he produced copies of the eviction notice and the 's order. He produced only a copy of the Collr's order. He has been asked to produce copies of the eviction notice and the R.D.O's & Tahr's orders, if any. The second petitioner produces copies of the Collr's order and the eviction notice. He has not [illegible]ced copies of the R.D.O.'s & Tah[illegible] [illegible], if any, in [illegible] orders they may be attached [illegible] him. | 19-1-31

A.M. 19.1.

2. It is not clear from the Collr's order [illegible] the encroachments were considered objectionable. The petitioners represent that they had been holding the land for some years under leases granted [illegible] the T.K. Board, that the land is classified as a 'assessed waste' and that they have spent [illegible] in constructing the buildings on it – coffee hotel in one case and sheds in the other. The Revenue Depts has taken charge of the land and apparently [illegible] orders that only the portion [illegible] for the [illegible] appurtenances rest in the Local [illegible]. In the case dealt with in Ⓢ, the [illegible] [illegible] to stay the eviction proceedings, [illegible] as it was [illegible] from the petition itself that the land was required for housing poor persons. No such reason is [illegible] in these cases. For orders whether interim stay [illegible] granted. | A.M. 19.1.31.

19.1.31

S

19.1.31

To A.S.(L.R).

Draft

19.1.31

20-1-31

p23 f   Board's Ref. no B 6398/30-2. of 20.1.31
pp 25 & 31 f   B 763/31 . & B 983/31

S/AS (L-R)

To AS,

p25 f The first petitioner produces a
pp27-29 f copy of the eviction notice and states
that no orders from the Tahr. or
the R.Ds have been received.

p31 f The second petitioner produces copies
pp33-37 f of the orders of the Tahr. and the
R.D.O passed in 1917. These orders
p37 f relate to S.no.6/1A1B and not to
pp9&17 f S.no 6/1A1A - the land now in
question.

As it is not clear why the encroachments have been considered objectionable in these cases, records may be called for - please see notes on p2 above. for orders

24-2-31

S

24.2.31

To AS(L-R).

Draft sub.

24-2-31 24-2-31

24-2-31

[Board's Refce Dt 25.2.31. P39 cf B.1981/31] PP.41-42 cf

M1 d AS (L.R.)

To AS (L.R.)

The petitions at PP.1-3 and 11-15 cf are against the Collector's order confirming P.17 (v) on appeal. The Sub-Collector's eviction proceedings in respect of certain PP.39 & 13 (v) encroachments on S No 6/1A1A (assessed waste) Gundabettu Vge Udipi Tk. The Collector's letter at PP 41 & 42 gives a clear ~~description~~ history of the case.

2. The encroachments measure one cent each and the Collector's main objection for their occupation is that they para 5 at p.42 cf are in the margin of an important ~~and within 26 links from its centre~~ public road. × rule 17 p.41 cf It is not clear whether the plots in question are necessary for the maintenance of the road and the encroachments are inconvenient to the traffic.

3. The encroachments in question are aged 7 to 10 years

The petitioners were occupying the plots on lease granted by the taluk board till 1929 when the Taluk Board president refused
P. 9 of (X) to continue the lease finding that the land did not vest in the taluk board and the Revenue Dept brought
P 15 of (X) them to B. memo. The fact that the encroachments have been in existence for 7 to 10 yrs without giving room for any sort of complaint or inconvenience seems to lead to the presumption that they are unobjectionable. From the sketch at P. 5 of (X) it is seen that the encroachments seem to be in alignment with 6/1.D and 6.1.A.2 under occupation on the margin of the road. At this point the road seems to be narrower than

than at the point where
the encroachments in question
are situate. In 1917
no objection was found
for the assignment of
S.N. 6-1A1B near the Sketch at p. 5(X)
road margin - vide (P). The
petitioners will be satis-
fied if the temporary
occupation of the plots para. 7 at p. 3 cf
is allowed. This may
be allowed under para 6
of B.S. 6-26. But the P. 103 vol I B.S.O
Collector's apprehension is; para. 5 at P. 42 cf
that the temporary structures
now put on the plots in
question are likely to
be converted into substantial
buildings and the petitioners
would urge their claims
to the plots on the plea
of heavy expenditure
incurred by them

It is for orders whether
the temporary occupation
as laid down in S.O. 26-6
may be allowed or
whether the Collr's order may stand

20/4/31

p.42 cf. in view of para 5 of his report and the stay
p:23 cf. order already issued may be withdrawn. In the latter case it is desirable to transfer the land to road poramboke.

21.4.31.

S no 6/1 1B/A was on inspection found not required for the road and transferred to assessed waste. There is therefore no question of its transfer again to road poramboke. Perhaps the land is fit for cultivation and will in due course be assigned to some person or persons. The thatched sheds used for a coffee hotel and for the storage of salt bags can by no means be treated as temporary. The longer they are allowed to remain the stronger will be the case of the encroachers for their grant. The Board may agree with the Collector and dismiss the appeals.

S

22-4-31.

How is S. No. 63/9 registered?

Rd.-margin.

A. M. 23.4.31.

A.S.(L.R.)

S.N: 63/9 is registered as a private holding.* In the records of the case S N: 63/9 ~~as well as~~ and 63/$\frac{1}{8}$ are stated to be Taluk-Board land where shandy (weekly market) is held. Vide remarks against these S Nos noted in the index of S Nos marked in the sketch at p 5 of (X) and the Karnam's report at pp 9 & 10 of (X). The R.I. reported that S.No. 63/9 was alienated to the Taluk Bd Udipi. p 11 of (X). It seems to be land vested in the Taluk Board.

25.4.31

S.
A.S.(L.R.)

* Sett register of the village (W) - Removed being bulky

From the plan at p 5 of (X) it is seen that 63/1 is a road and that 63/9 adjoining it to the South is road margin.

25.4.31.

24/4/31

24.4.31.

S

The petrs. have, according to Collr., "encroached" on an assessed waste subdivision. How a ryot can do that, I cannot see. If the place is required for the road, it (or the necessary part of it) should have been transferred to poramboke: if it is not, there was no reason at all to try to turn them out. I see, too (p.5 of X) that the plots lie no nearer the road than 5 other plots that are held on patta.

No appeal lies to Bd. but we may point

91.

out these facts to Collr. saying that Bd. does not see any reason for the ordering of eviction. (It looks to me as if T.K. Bd. is behind it, perhaps wanting all available land near by to be used for their shandy: they leased ~~to~~ the plots in question to the "encroachers" to start with, but later the P.T.B. urged the Rev. people to take action agst. them! (p. 9 of X)).

A. M. 25.4.31.

M. 29/4/31

M. I.

Draft
30.4.31

To AS (CR)
Draft submitted.

26.4.31

Draft appd. It has been delayed! The delay seems to be due to the increase [illegible] to Section Supdt

16-5-31.